

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ADAM BECK,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**8:07CR165**

**ORDER**

Defendant Adam Beck (Beck) appeared before the court with retained counsel on September 12, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 44). Beck waived a preliminary examination on the violations of supervised release and waived a detention hearing subject to reconsideration (Filing No. 52). Beck was ordered detained pending a dispositional hearing before Judge Joseph F. Bataillon on October 5, 2012 (Filing No. 54). Subsequently, at Beck's request, the dispositional hearing was continued to December 6, 2012 (Filing No. 56). On September 27, 2012, Beck filed a motion for reconsideration of detention (Filing No. 57). The motion was summarily denied on the basis no justification or plan of release was set forth in the motion (Filing No. 58). Beck filed an amended motion for reconsideration on September 28, 2012 (Filing No. 59).

The court held a hearing on the amended motion on October 3, 2012. Beck was present with his retained counsel, James K. McGough. The United States was represented by Assistant U.S. Attorney Douglas R. Semisch. The court heard the testimony of U.S. Probation Officer Aaron Kurtenbach (Officer Kurtenbach) and Tom Beck (Mr. Beck), the defendant's father. The court received into evidence a report of the execution of the Thurston County search warrant at the defendant's residence, 3304 R Avenue, Rosalie, Nebraska, on August 21, 2012 (Exhibit 1).

Officer Kurtenbach testified he was not provided a change of address for Beck at 3304 R Avenue, in Rosalie, and Beck had twice previously tested positive for methamphetamine. However, Beck had successfully completed an alcohol treatment program in Macy. Mr. Beck testified he would serve as a third party custodian and have Beck reside with Mr. Beck and his wife in Lyons. Mr. Beck testified Beck stayed with them for some time after Beck and his girlfriend had a dispute. Thurston County Sheriff's Office deputies found a cache of stolen long guns and handguns at Beck's residence. In one of the bedrooms the deputies found a compartment under the mattress which contained numerous firearms. There was a plethora of ammunition found together with a marijuana smoking device found in a wicker basket by the bed. Numerous other firearms were found in a van located in a shop next to the residence. Mr. Beck testified his son knew the Sheriff

wanted to talk to him and Beck turned himself into the U.S. Marshal in Omaha after Beck had engaged counsel. Beck's counsel proffered to the court Beck could be employed with a Mike Storm involving farming operations.

Beck's prior conviction for being a felon in possession of a firearm in 2007 arose from a search of his residence revealing numerous stolen firearms (Paragraphs 17 and 18, Presentence Investigation Report, Filing No. 34). Beck has a previous criminal history of several drug convictions and charges involving burglary and possession of stolen property.

It is Beck's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. In light of Beck's previous criminal record including the circumstances of the current violations, the court finds Beck to be both a flight risk and a danger to the community. Beck's Amended Motion For Reconsideration of Detention (Filing No. 59) is denied and Beck should remain detained pending his dispositional hearing before Judge Bataillon.

**IT IS SO ORDERED:**

DATED this 3rd day of October, 2012.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge